

AMENDED IN ASSEMBLY JUNE 10, 2013

AMENDED IN SENATE APRIL 16, 2013

SENATE BILL

No. 455

Introduced by Senator Hernandez

February 21, 2013

An act to add Section ~~1276.35~~ 1276.45 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 455, as amended, Hernandez. General acute care hospitals: patient classification system.

Existing law establishes the State Department of Public Health and sets forth its powers and duties, including, but not limited to, the licensing and regulation of health facilities, as defined.

Existing law requires the department to adopt regulations governing the operation of a health facility, including, but not limited to, regulations that require prescribed health facilities to meet minimum nurse-to-patient ratios, and to assign additional staff according to a documented patient classification system for determining nursing care requirements. Violation of these provisions, or willful or repeated violation of the rules or regulations, is a crime.

~~This bill would require the department to require every general acute care hospital to establish and maintain a patient classification system for establishing staffing requirements by unit, patient, and shift, and to establish a review committee to review the reliability of the system, and review the system at least annually.~~ *would, with respect to this patient classification system, require that a committee for each general acute care hospital review the reliability of this system for validating staffing requirements at least annually to determine whether the system*

accurately measures patient care needs. The bill would require that at least 50% of the committee members be registered nurses who provide direct patient care, as defined. The bill would require that these nurses be appointed by the bargaining agent of the registered nurses, if any, and in the absence of a bargaining agent, by the nursing administrator. The bill would require the remaining members of the committee to be appointed by the nursing administrator. By changing the definition of an existing crime, this bill would impose a state-mandate local program.

This bill would state that it is the Legislature's intent in enacting this bill to supersede specified provisions of a certain regulation, and not to affect any other provision in that regulation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1276.45 is added to the Health and Safety
- 2 Code, immediately following Section 1276.4, to read:
- 3 1276.45. (a) With respect to the patient classification system
- 4 established pursuant to subdivision (b) of Section 1276.4, a
- 5 committee for each general acute care hospital shall review the
- 6 reliability of this system for validating staffing requirements at
- 7 least annually to determine whether or not the system accurately
- 8 measures patient care needs.
- 9 (b) (1) At least 50 percent of the committee members shall be
- 10 registered nurses who provide direct patient care. These registered
- 11 nurses shall be appointed by the bargaining agent of the registered
- 12 nurses, if any, and in the absence of a bargaining agent, shall be
- 13 appointed by the nursing administrator.
- 14 (2) The remaining members of the committee shall be appointed
- 15 by the nursing administrator.
- 16 (3) For purposes of this subdivision, "direct patient care" means
- 17 caring directly for patients for a minimum of 50 percent of the
- 18 registered nurse's work time.

1 SECTION 1. ~~Section 1276.35 is added to the Health and Safety~~
2 ~~Code, immediately following Section 1276.3, to read:~~

3 ~~1276.35. (a) The State Department of Public Health shall~~
4 ~~require every health facility licensed pursuant to subdivision (a)~~
5 ~~of Section 1250 to do all of the following:~~

6 ~~(1) Establish and maintain a patient classification system for~~
7 ~~establishing staffing requirements by unit, patient, and shift.~~

8 ~~(2) Establish a patient classification system review committee~~
9 ~~to review the reliability of the patient classification system, as~~
10 ~~follows:~~

11 ~~(A) The review committee shall be appointed by the nursing~~
12 ~~administration of the facility, except as set forth in subparagraph~~
13 ~~(C).~~

14 ~~(B) At least one-half of the membership of the review committee~~
15 ~~shall be composed of registered nurses who provide direct patient~~
16 ~~care.~~

17 ~~(C) If the registered nurses are represented by a collective~~
18 ~~bargaining agent, the registered nurses shall be appointed by the~~
19 ~~bargaining agent.~~

20 ~~(3) The patient classification system shall be reviewed at least~~
21 ~~annually.~~

22 ~~(b) No new regulations are required or authorized for~~
23 ~~implementation of this section.~~

24 *SEC. 2. It is the intent of the Legislature in enacting Section*
25 *1276.45 of the Health and Safety Code to supersede subdivisions*
26 *(e) and (f) of Section 70217 of Title 22 of the California Code of*
27 *Regulations, and not to affect any other provision in that*
28 *regulation.*

29 ~~SEC. 2.~~

30 *SEC. 3. No reimbursement is required by this act pursuant to*
31 *Section 6 of Article XIII B of the California Constitution because*
32 *the only costs that may be incurred by a local agency or school*
33 *district will be incurred because this act creates a new crime or*
34 *infraction, eliminates a crime or infraction, or changes the penalty*
35 *for a crime or infraction, within the meaning of Section 17556 of*
36 *the Government Code, or changes the definition of a crime within*
37 *the meaning of Section 6 of Article XIII B of the California*
38 *Constitution.*

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